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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,631	10/24/2000	Mary A. Flanagan	MUL1612-002	2778
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STANLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017				WOZNIAK, JAMES S
ART UNIT		PAPER NUMBER		
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DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## Office Action Summary

<b>Application No.</b> 09/695,631  <b>Examiner</b> James S. Wozniak	<b>Applicant(s)</b> FLANAGAN ET AL.	<b>Art Unit</b> 2655
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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 16 September 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14, 17, 18 and 20-22 is/are rejected.
- 7) Claim(s) 15, 16 and 19 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10/24/2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   |   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
|  | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. In response to the office action from 3/16/2004, the applicant has submitted an amendment, filed 9/16/2004, amending the independent claims (1, 9, and 17) to recite that closed caption codes are from a broadcast signal, while also amending claim 15 and arguing to traverse the art rejection based on the limitation regarding the reception of broadcast signals containing closed captions, translation of the captions, and broadcasting the translated signals to a program destination (*Amendment, Page 10*). The applicant's arguments have been considered but are moot in view of the new grounds of rejection, necessitated by the amended claims and in view of Agrapharam et al (U.S. Patent: 6,412,011), Kim (U.S. Patent: 5,457,542), Bourbonnais et al (U.S. Patent: 6,338,033), and Kirkland (U.S. Patent: 5,677,739).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-5, 9-10, and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al (*official translation of JP 10234016 A*) in view of Agraharam et al (*U.S. Patent: 6,412,011*).

With respect to **Claim 1**, Hiroi discloses:

A closed caption decoder for extracting closed caption codes in a source language from a broadcast signal comprising closed caption data (*Paragraph [0059]*);

Receiving the closed caption codes from the caption decoder and translating text in the captions to a target language (*receiving closed caption codes at a translation part, Paragraph [0059]*);

Hiroi does not teach broadcasting translated closed caption signals to a program destination, nor a server for performing the translation, however Agraharam discloses an enhancement platform server for performing a closed caption translation (*Col. 4, Lines 1-23, and Col. 5, Lines 16-29*) and the transmission of a translated multicast signal from an enhancement server to a user via a data router (*Col. 4, Lines 64-67, and Fig. 3, Element 260*).

Hiroi and Agraharam are analogous art because they are from a similar field of endeavor in closed caption language translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi with the multicast server capable of translating closed caption text from a multicast signal and further transmitting the translated multicast signal to a user via a router as taught by Agraharam in order to implement a more efficient and effective means of closed caption translation since a user's receiving device may not have the proper hardware or software capabilities to perform the translation and the user

may desire translated text at the time a multicast signal is received (*Agraharam, Col. 2, Lines 26-41*).

With respect to **Claim 3**, Hiroi additionally discloses:

The device is a subtitler (*translating captions, which is a functional equivalent of a subtitler, Paragraph [0059]*).

With respect to **Claim 4**, Agraharam additionally recites:

The device is a text-to-speech module (*speech synthesis to provide a user with audio corresponding to text data, Col. 4, Lines 15-16*).

With respect to **Claim 5**, Hiroi further recites:

The signal is from a television broadcast (transmitting a television signal, Paragraph [0059]).

While Agraharam additionally suggests that a multicast signal may be from a television broadcast (*Col. 2, Lines 16-25*).

**Claim 9** contains subject matter similar to Claim 1, and thus, is rejected for the same reasons.

With respect to **Claim 10**, Agraharam teaches receiving a multicast signal (*Col. 3, Lines 64-67*).

With respect to **Claim 12**, Hiroi further recites:

Inserting target language text in program destination signals as subtitles (*Paragraph [0061]*).

With respect to **Claim 13**, Hiroi additionally recites:

Inserting the target language text in program destination signals as closed captions  
(*Paragraphs [0059-61]*).

3. **Claims 6-7 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al in view of Agraharam et al, and further in view of Kim (U.S. Patent: 5,457,542).

With respect to **Claim 6**, Hiroi in view of Agraharam teaches the closed caption translating method featuring a translation server, as applied to Claim 1. Hiroi in view of Agraharam does not specifically suggest that a broadcast signal is from a videotape recorder, however Kim teaches such a configuration (*Col. 4, Lines 50-56*).

Hiroi, Agraharam, and Kim are analogous art because they are from a similar field of endeavor in captioning. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agraharam with the means of acquiring caption data from a VCR as taught by Kim to increase method compatibility by adding the ability to display captions originating from a VCR signal (*Kim, Col. 3, Lines 8-12*).

With respect to **Claim 7**, Kim additionally discloses:

The server comprises text flow management software (*Col. 4, Lines 36-39*).

While Agraharam additionally teaches the enhancement platform server as applied to Claim 1.

**Claim 11** contains subject matter similar to Claim 6, and thus, is rejected for the same reasons.

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4. **Claims 2, 8, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al in view of Agrapharam et al, and further in view of Kirkland (*U.S. Patent: 5,677,739*).

With respect to **Claim 2**, Hiroi in view of Agrapharam teaches the closed caption translating method featuring a translation server, as applied to Claim 1. Hiroi in view of Agrapharam does not specifically suggest the use of a well-known caption encoder device for receiving and transmitting a translated caption signal, however Kirkland discloses such a device (*encoder, Col. 6, Lines 1-25, and caption translation, Col. 7, Line 61- Col. 8, Line 2*).

Hiroi, Agrapharam, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agrapharam with the use of a caption encoder as taught by Kirkland in order to provide a well known means of inserting translated text into a television program for viewing (*Kirkland, Col. 5, Lines 47-67*).

With respect to **Claim 8**, Hiroi in view of Agrapharam teaches the closed caption translating method featuring a translation server, as applied to Claim 1. Hiroi in view of Agrapharam does not specifically suggest the use of caption pre-editing software, however Kirkland recites such caption editing software (*Col. 5, Lines 12-26*).

Hiroi, Agrapharam, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agrapharam with the caption pre-editing software taught by Kirkland in order to implement a means at the enhancement platform server taught by

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Agraharam for creating more detailed and informative captions by using caption editing software to add description caption data (*Kirkland, Col. 5, Lines 12-34*).

With respect to **Claim 14**, Hiroi in view of Agraharam the closed caption translating method featuring a translation server, as applied to as applied to Claim 9. Hiroi in view of Agraharam does not teach a program signal as a SAP as recited in Claim 14, however Kirkland discloses:

Program destination signals as a SAP (*translating captions associated with a SAP signal, Col. 7, Line 61- Col. 8, Line 2*).

Hiroi, Agraharam, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of caption translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agraharam with the method of translating captions associated with a SAP signal as taught by Kirkland to create a closed caption translation system capable of providing translated captions synchronized with a SAP signal so that a viewer can read and hear program dialog simultaneously in a preferred language (*Kirkland, Col. 7, Line 61- Col. 8, Line 2*).

5. **Claims 17 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al in view of Agraharam et al, and in further view of Bourbonnais et al (*U.S. Patent: 6,338,033*).

With respect to **Claim 17**, Hiroi in view of Agraharam the closed caption translating method featuring a translation server, as applied to as applied to Claim 1. Hiroi in view of

Agraharam does not specifically suggest that the translation is performed using machine translation software, however such software is well known in the art as is evidenced by Bourbonnais (*Col. 3, Lines 41-44*).

Hiroi, Agraharam, and Bourbonnais are analogous art because they are from a similar field of endeavor in text translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agraharam with the use of machine translation software as taught by Bourbonnais in order to provide a well-known, more efficient means of obtaining a translation through the use of machine translation software that is less time consuming than a human translation (*Bourbonnais, Col. 1, Lines 35-44*).

**Claim 21** contains subject matter similar to Claim 13, and thus, is rejected for the same reasons.

6. **Claims 18, 20, and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi et al in view of Agraharam et al, further view of Bourbonnais et al, and in yet further in view of Kirkland.

With respect to **Claim 18**, Hiroi in view of Agraharam, and further in view of Bourbonnais teaches the closed caption translating method utilizing machine translation software and featuring a translation server, as applied to as applied to Claim 17. Hiroi in view of Agraharam, and further in view of Bourbonnais does not specifically suggest the use of caption pre-editing software, however Kirkland recites such caption editing software (*Col. 5, Lines 12-26*).

Hiroi, Agraaharam, Bourbonnais, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of text translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agraaharam, and further in view of Bourbonnais with the caption pre-editing software taught by Kirkland in order to implement a means at the enhancement platform server taught by Agraaharam for creating more detailed and informative captions by using caption editing software to add description caption data (*Kirkland, Col. 5, Lines 12-34*).

With respect to **Claim 20**, Hiroi in view of Agraaharam, and further in view of Bourbonnais teaches the closed caption translating method utilizing machine translation software and featuring a translation server, as applied to as applied to Claim 17. Hiroi in view of Agraaharam, and further in view of Bourbonnais does not teach text in a target language comprising translated titles as recited in Claim 20, however Kirkland discloses:

Text in a target language comprising translated titles (*extended data service that supplies program information to a viewer, such as the title, Col. 2, Lines 58-67, and translation means, Col. 7, Line 61- Col. 8, Line 2*).

Hiroi, Agraaharam, Bourbonnais, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of text translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agraaharam, and further in view of Bourbonnais with the inclusion of extended data service to provide program information such as titles as taught by Kirkland to create a closed caption translation system that can provide a viewer with additional

informative viewing information descriptive of a program title (*Kirkland, Col. 2, Lines 58-67*), translated into a user selected language in the same manner as caption text.

With respect to **Claim 22**, Hiroi in view of Agraharam, and further in view of Bourbonnais teaches the closed caption translating method utilizing machine translation software and featuring a translation server, as applied to as applied to Claim 17. Hiroi in view of Agraharam, and further in view of Bourbonnais does not teach a program signal as a SAP, however Kirkland discloses:

Program destination signals as a SAP (*translating captions associated with a SAP signal, Col. 7, Line 61- Col. 8, Line 2*).

Hiroi, Agraharam, Bourbonnais, and Kirkland are analogous art because they are from a similar field of endeavor in caption processing including a means of text translation. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Hiroi in view of Agraharam, and further in view of Bourbonnais with the method of translating captions associated with a SAP signal as taught by Kirkland to create a closed caption translation system capable of providing translated captions synchronized with a SAP signal so that a viewer can read and hear program dialog simultaneously in a preferred language (*Kirkland, Col. 7, Line 61- Col. 8, Line 2*).

#### ***Allowable Subject Matter***

7. **Claims 15, 16 and 19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:  
prior art does not teach:

- Pre-editing process of **Claim 15**, which further includes the further limiting step of identifying a speaker as recited in **Claim 16**.
- Pre-editing software on a caption translation server utilizing a process including: identifying a topic to select a dictionary for translation, correcting spelling errors, identifying and demarcating names, phrase boundaries, and sentence boundaries, adding punctuation, identifying ellipses and inserting text, and inserting accents where appropriate as recited in **Claim 19**.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).  
Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Chanod et al (*U.S. Patent: 6,393,389*)- teaches a real-time caption translator for television broadcast programs.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669 and email is James.Wozniak@uspto.gov. The examiner can normally be reached on Mondays-Fridays, 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached at (703) 305-4827. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak  
1/18/2005



DAVID L. OMETZ  
PRIMARY EXAMINER